Sarah J. Tugman Attorney at Law 2509 Eide Street, Suite 4 Anchorage, Alaska 99503

Telephone: (907) 677-7889

Fax: (907) 677-9188

e-mail: sjtugman@gci.net

Attorney for GMW Fire Protection, Inc.

RECEIVED

MAY 2 3 2006

CLERK U.S. DISTRICT COURT
ANCHORAGE. ALASKA

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

THE UNITED STATES for the use of GMW Fire Protection, Inc., an Alaska Corporation,

Plaintiff,

v.

KANAG'IQ CONSTRUCTION CO., INC., an Alaska Corporation and WESTERN SURETY COMPANY, a South Dakota Corporation,

Defendant.

) Case No. A-05-0170 CV (TMB)

JOINT STATUS REPORT

- A. Nature of the Case.
- 1) The lead attorneys in the case are: Sarah J. Tugman for Plaintiff and Thomas Gingras for Defendants.
 - 2) The basis for federal jurisdiction is the Miller Act.
- 3) Plaintiff asserts a Miller Act/non-payment of subcontractor claim, and defendants counterclaim for breach of contract, breach of the covenant of good faith and fair dealing and Unfair Trade Practices.
 - 4) All parties have been served.

5 & 6) The legal and factual issues relate to the interpretation of a contract between plaintiff and one of the defendants. The parties dispute the terms and conditions of the contract. Plaintiff's counsel has advised defense counsel that she may seek to amend plaintiff's complaint to allege additional theories, e.g. fraud. Defendants would oppose amendment, and if amendment is allowed, would oppose the claim on the merits. Defendant, Kanag'Iq' anticipates a motion in limine with respect to Plaintiff's identified expert, which Plaintiff will oppose. Plaintiff and one defendant anticipate filing motions for summary judgment with respect to the terms and conditions of the contract between the parties.

B. Discovery.

- 1) Discovery is complete except for one deposition to be taken by Plaintiff.
- 2) There are no presently pending discovery motions but motions may be filed based on the most recently exchanged discovery requests.
- 3) There have been no previously entered rulings on substantive issues.
 - 4) There have been no previous status reports.

C. Trial.

1) Trial is anticipated and the parties estimate that a five day trial will be required. A jury has been requested.

Settlement. D.

1) There have been no settlement discussions and a settlement conference may be useful.

Dated: 5/23/06

Dated: 5/23/06

Attorney for Plaintiff

Glingras

Attorney for Defendants